

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

LINDA FAIRSTEIN,)	
)	
Plaintiff,)	Case No: 2:20-cv-180
)	
v.)	
)	
NETFLIX, INC., AVA DUVERNAY,)	
and ATTICA LOCKE,)	
)	
Defendants.)	

**AGREED MOTION REQUESTING LEAVE TO FILE BRIEF
IN EXCESS OF TWENTY PAGES**

Plaintiff, Linda Fairstein, respectfully moves this Court for leave to file a Response in Opposition to Defendants, Ava DuVernay and Attica Locke’s Motion to Dismiss for Lack of Personal Jurisdiction, or in the Alternative, Joint Motion with Netflix, Inc. to Dismiss for Improper Venue or Transfer, and Incorporated Memorandum of Law [ECF 26] (the “Motion to Dismiss/Transfer”) in excess of the twenty (20) pages allowed by Local Rule 3.01(b). The length of the proposed filing will not exceed thirty (30) pages, excluding caption, table of contents and authorities, and signatures. In support of this Motion, Plaintiff states:

MEMORANDUM OF LAW

Local Rule 3.01(d) states that:

A motion requesting leave to file either a motion in excess of twenty-five (25) pages, a response in excess of twenty (20) pages, or a reply or further memorandum shall not exceed three (3) pages, shall specify the length of the proposed filing, and shall not include, as an attachment or otherwise, the proposed motion, response, reply or other paper.

See also U.S. v. Harling, No. 2:13-cr-96-FtM-38CM, 2014 WL 2805272, at *1 (M.D. Fla. June 20, 2014).

While Plaintiff has endeavored to make her responsive brief as succinct as possible, the complexity and importance of the issues raised in this litigation necessitate an enlargement of the Court's page limit. Plaintiff makes this motion for additional pages in order to fully present all relevant facts and legal arguments relating to Defendants' conflict-of-law arguments, as well as to address the necessity of the Court to deny Defendants' motion to dismiss due to improper venue, or to transfer this case to the Southern District of New York, or to dismiss Defendants Locke and DuVernay from this lawsuit because of an alleged lack of personal jurisdiction. These are major issues to be decided by this Court and the Court's decision may prevent Plaintiff from ever having the opportunity to litigate her case. Plaintiff respectfully submits that justice will be served by permitting her an additional ten (10) pages to fully address the relevant facts and legal arguments necessary for the Court to make an informed decision concerning these very important matters.

WHEREFORE, for the foregoing reasons, the parties respectfully request that this Court grant this motion and allow Plaintiff, Linda Fairstein, to file a response in opposition to Defendants, Ava DuVernay and Attica Locke's Motion to Dismiss for Lack of Personal Jurisdiction, or in the Alternative, Joint Motion with Netflix, Inc. to Dismiss for Improper Venue or Transfer, and Incorporated Memorandum of Law which will not exceed thirty (30) pages, excluding caption, table of contents and authorities, and signatures.

Local Rule 3.01(g) Certification

Pursuant to Rule 3.01(g), Local Rules, United States District Court, Middle District of Florida, Plaintiff's counsel has conferred with counsel for Defendants prior to filing this motion, and Defendants do not oppose the granting of the relief requested herein.

Respectfully submitted,

By: /s/ KIMBERLY D. SWANSON

Edward K. Cheffy
Florida Bar No. 393649
Rachael S. Loukonen
Florida Bar No. 668435
Kimberly D. Swanson
Florida Bar No. 1018219
CHEFFY PASSIDOMO, P.A.
821 Fifth Avenue South, Suite 201
Naples, Florida 34102
(239) 261-9300
ekcheffy@napleslaw.com
rloukonen@napleslaw.com
kdswanson@napleslaw.com

-and-

Andrew Miltenberg (*pro hac vice*)
Kara Gorycki (*pro hac vice*)
NESENOFF & MILTENBERG, LLP
363 Seventh Avenue, Fifth Floor
New York, New York 10001
(212) 736-4500
amiltenberg@nmlplaw.com
kgorycki@nmlplaw.com

Attorneys for Plaintiff Linda Fairstein

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2020, a true and correct copy of the foregoing was filed and served by CM/ECF on all counsel or parties of record on the service list.

/s/ KIMBERLY D. SWANSON